

AMENDED IN ASSEMBLY JUNE 30, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 13, 2016

AMENDED IN SENATE MARCH 17, 2016

SENATE BILL

No. 884

Introduced by Senator Beall

January 19, 2016

An act to add Sections ~~56301.5, 56500.7, 56600.7, 56607, 56608, and 56609~~ to 14509 and 56415 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 884, as amended, Beall. Special education: ~~procedural safeguards and records~~; mental health services.

~~(1) Existing~~

Existing law requires the Superintendent of Public Instruction to administer the special education provisions of the Education Code and ensure provision of, and supervise, education and related services to individuals with exceptional needs, as required pursuant to the federal Individuals with Disabilities Education Act. *Existing law provides for the establishment of Family Empowerment Centers on Disability to, among other things, ensure that children and young adults with disabilities receive the necessary educational support and services they need to complete their education.*

~~Existing law establishes certain rights and procedural safeguards for parents and pupils of individuals with disabilities, and requires a public agency to give prior written notice to parents or guardians of an individual with exceptional needs when certain actions are taken with~~

respect to his or her placement, identification, and assessment or the provision of a free and appropriate education:

~~This bill would require a local educational agency responsible for implementation of a pupil's individualized education program to ensure that a copy of each prior written notice is included in the pupil's records. The bill would require each special education local plan area to require each local educational agency to provide certain information to parents in their annual parent notification information, including information regarding family empowerment centers and parent training and information centers. By imposing new duties on special education local plan areas and local educational agencies, the bill would impose a state-mandated local program.~~

~~(2) Existing law requires the Superintendent to ensure that pupil and program performance results are monitored, and requires special education local plan areas to submit certain data to the Superintendent to evaluate special education programs, as specified.~~

~~The bill would require a special education local plan area to document and report to the State Department of Education funding allocations and expenditures for all mental health and special education services; and would require the department to post the information on the department's Internet Web site. The bill would require the department to align accounting code systems, as specified. The bill would also require a local educational agency responsible for a pupil's individualized education program to annually report to the department the actual frequency and duration of mental health services provided and to annually report to the department certain data needed to document pupil outcomes on 6 outcome indicators, as specified. The bill would require the department to monitor the mental health services reported annually by local educational agencies and to review and require corrections to each local educational agency's procedures and documents. By imposing new duties on local educational agencies, the bill would impose a state-mandated local program.~~

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Existing law separately requires the Controller, in consultation with the Department of Finance, the State Department of Education, and specified other entities, to propose the content of an audit guide for purposes of carrying out financial and compliance audits for local educational agencies.

This bill would require the audit guide to include an audit procedure to review whether specified funding for educationally related mental health services required by an individualized education program received by local educational agencies and charter schools was used for its intended purpose. The bill would require the State Department of Education to include a link on the sample procedural safeguards maintained on its Internet Web site to the page on its Internet Web site that lists family empowerment centers and to include the link on specified forms. The bill would require the department to submit 2 reports, as specified, relating to the provision of mental health services to pupils through an individualized education program to the appropriate fiscal and policy committees of the Legislature by June 30, 2017.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 14509 is added to the Education Code,*
2 *to read:*
3 *14509. The audit guide shall include an audit procedure to*
4 *review whether the funding appropriated in Items 6100–161–0001*
5 *and 6100–161–0890 of the annual Budget Act and received by*
6 *local educational agencies and charter schools, as applicable, for*
7 *educationally related mental health services required by an*
8 *individualized education program was used for its intended*
9 *purpose.*
10 *SEC. 2. Section 56415 is added to the Education Code, to read:*
11 *56415. The department shall include a link on the sample*
12 *procedural safeguards maintained on its Internet Web site to the*
13 *page on its Internet Web site that lists family empowerment centers.*
14 *The department shall include this link on all sample procedural*
15 *safeguard forms for which it maintains translations.*
16 *SEC. 3. The State Department of Education shall create a*
17 *report on its compliance findings and corrective action plans*

1 *related to the provision of mental health services for pupils with*
2 *individualized education programs using data the department*
3 *collects through its verification and comprehensive reviews,*
4 *including those targeted and any randomly chosen for review. The*
5 *department shall send this report to the appropriate fiscal and*
6 *policy committees of the Legislature by June 30, 2017.*

7 *SEC. 4. (a) The State Department of Education shall create*
8 *a report on pupil outcomes for pupils receiving mental health*
9 *services through an individualized education program. The data*
10 *used to create this report shall already be maintained by the*
11 *department and shall be reported to the extent permitted under*
12 *state and federal laws regarding the privacy of pupil information.*
13 *These outcomes shall include all of the following:*

- 14 *(1) Graduation rate.*
- 15 *(2) Dropout rate.*
- 16 *(3) Statewide assessment results.*
- 17 *(4) Suspension and expulsion rates.*
- 18 *(5) Participation in general education classes.*
- 19 *(6) Postschool outcomes.*

20 *(b) The department shall send this report to the appropriate*
21 *fiscal and policy committees of the Legislature by June 30, 2017.*

22 ~~SECTION 1. Section 56301.5 is added to the Education Code,~~
23 ~~to read:~~

24 ~~56301.5.—Each special education local plan area shall require~~
25 ~~each local educational agency to provide informational materials,~~
26 ~~including, but not limited to, pupil and parent rights provided under~~
27 ~~the federal Individuals with Disabilities Education Act (20 U.S.C.~~
28 ~~Sec. 1400 et seq.) and information regarding family empowerment~~
29 ~~centers, including the link on the department's Internet Web site~~
30 ~~that provides the contact information for all family empowerment~~
31 ~~centers, and parent training and information centers in their~~
32 ~~community. The materials shall be provided in the three most~~
33 ~~common languages used by parents served by the local educational~~
34 ~~agency in the special education local plan area and shall be made~~
35 ~~available for local educational agencies to provide to their parents~~
36 ~~in their annual parent notification information.~~

37 ~~SEC. 2. Section 56500.7 is added to the Education Code, to~~
38 ~~read:~~

39 ~~56500.7.—The local educational agency responsible for~~
40 ~~implementation of a pupil's individualized education program~~

1 shall ensure that a copy of each prior written notice given pursuant
2 to Section 56500.4 is included in the pupil's records.

3 ~~SEC. 3. Section 56600.7 is added to the Education Code, to~~
4 ~~read:~~

5 ~~56600.7. The local educational agency responsible for~~
6 ~~implementation of a pupil's individualized education program~~
7 ~~shall annually report to the department the actual frequency and~~
8 ~~duration of each mental health service provided to the pupil~~
9 ~~pursuant to the pupil's individualized education program.~~

10 ~~SEC. 4. Section 56607 is added to the Education Code, to read:~~

11 ~~56607. (a) A special education local plan area shall document~~
12 ~~and report to the department all mental health and special education~~
13 ~~services funding allocations and expenditures and specify the dollar~~
14 ~~amount for each service.~~

15 ~~(b) The department shall post the information on the~~
16 ~~department's Internet Web site.~~

17 ~~(c) The department shall align accounting code systems to allow~~
18 ~~the department and school districts or special education local plan~~
19 ~~areas to accurately document the amount of funds expended for~~
20 ~~the provision of mental health and special education services from~~
21 ~~each funding source.~~

22 ~~SEC. 5. Section 56608 is added to the Education Code, to read:~~

23 ~~56608. For each pupil receiving individualized education~~
24 ~~program mental health services, each local educational agency~~
25 ~~shall annually provide to the department the data needed to~~
26 ~~document the pupil's outcomes on all of the following outcome~~
27 ~~indicators that are applicable to the pupil:~~

28 ~~(a) Graduation rate.~~

29 ~~(b) Dropout rate.~~

30 ~~(c) Statewide assessment results.~~

31 ~~(d) Suspension and expulsion rates.~~

32 ~~(e) Participation in general education classes.~~

33 ~~(f) Postschool outcomes.~~

34 ~~SEC. 6. Section 56609 is added to the Education Code, to read:~~

35 ~~56609. (a) The department shall monitor the number and~~
36 ~~frequency of mental health services reported annually by local~~
37 ~~educational agencies and shall compare year-to-year changes for~~
38 ~~each local educational agency. If year-to-year services decline~~
39 ~~significantly, then the department shall investigate the cause for~~
40 ~~the decline in service provision.~~

1 ~~(b) As part of its monitoring activities, the department shall~~
2 ~~review each local educational agency's procedures and documents~~
3 ~~used to meet the prior written notice requirement in Section~~
4 ~~56500.4, and shall require corrections to those procedures and~~
5 ~~documents if the department finds that the procedures or documents~~
6 ~~do not fulfill statutory requirements.~~

7 ~~SEC. 7. If the Commission on State Mandates determines that~~
8 ~~this act contains costs mandated by the state, reimbursement to~~
9 ~~local agencies and school districts for those costs shall be made~~
10 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
11 ~~4 of Title 2 of the Government Code.~~

12 ~~SEC. 8. It is the intent of the Legislature to enact legislation~~
13 ~~relating to the provision of mental health services to pupils with~~
14 ~~exceptional needs.~~